

REMARKS/ARGUMENTS

Favorable reconsideration of this application, as presently amended and in light of the following discussion, is respectfully requested.

Claims 1-38 are pending in the present application and Claims 39-74 are withdrawn. Claims 1-29 and 31-38 were amended by the present response. Support for amendments to the claims can be found in the disclosure as originally filed. Thus, no new matter is added.

In the outstanding Office Action, Claims 1-38 objected to under 37 C.F.R. §1.75 as including informalities; Claims 1-38 were rejected under 35 U.S.C. §112, second paragraph as indefinite; and Claims 1-15, 17-34 and 36-38 were rejected under 35 U.S.C. §103(a) as unpatentable over Swenson et al. (U.S. Pat. No. 7,304,996, herein “Swenson”) in view of Sjoblom (U.S. Pat. Pub. No. 2002/0009053); and Claims 16 and 35 were rejected under 35 U.S.C. §103(a) as unpatentable over Swenson and Sjoblom in further view of Ramakrishnan (U.S. Pat. Pub. No. 2003/0018689).

Initially, Applicants and Applicants’ representatives wish to thank Examiner Mansouri for the interview with Applicants’ representatives on January 21, 2010. During the interview the objection, §112, second paragraph rejection and the §103 rejections were discussed in detail. Comments and claim amendments discussed during the interview are reiterated below.

With regard to the objection to Claims 1-38 under 37 C.F.R. §1.75 as including informalities and the rejection of Claims 1-38 under 35 U.S.C. §112, second paragraph as indefinite, as was discussed in the interview, Claims 1-38 have been significantly amended to clarify the features recited therein. Accordingly, Applicants respectfully submit that Claims 1-38, as amended, overcome the objection under 37 C.F.R. §1.75 and rejection under 35 U.S.C. §112, second paragraph. Thus, Applicants respectfully request that the above noted objection and rejection under §112, second paragraph be withdrawn.

Addressing now the rejection of Claims 1-15, 17-34 and 36-38 under 35 U.S.C.

§103(a) as unpatentable over Swenson and Sjoblom, Applicants respectfully traverse this rejection.

Claim 1 recites, in part,

generating, using a sending side apparatus two packets,
the packets being copies of a send packet;
providing, using the sending side apparatus, a sequence number identifying the same sending sequence to each of the packets;
providing, using the sending side apparatus, a first identifier corresponding to a first send/receive pair and a second identifier corresponding to a second send/receive pair, to a respective one of the packets in order to send the packets over two routers, in the sending side apparatus, which are different from each other; and
receiving, using a receiving side apparatus, the packets via two receiving units;
recognizing the first and second identifiers, each of the first and second identifiers corresponding to one of the first and second send/receive pairs;
identifying packets having the same information and the sequence based on the sequence number when the first and second identifiers are the same;
selecting one of the packets of the same sequence so as to send the selected one of the packets downstream; and
discarding the one of the packets which is not selected by the selecting,
wherein, when only one of the packets of the same sequence is received by the receiving, only the received one of the packets is sent downstream.

Claim 2 recites similar features with regard to the two routers in the sending side apparatus and recites similar features with regard to the selecting and discarding steps.

Claims 20 and 21 recite means plus function apparatus claims which correspond to Claims 1 and 2, respectively.

Swenson describes a system for assembling a data packet. In addition, Swenson describes in col. 26, lines 31-33 that a port number identifier (PTI) can be included in a packet.

Sjblom describes a system which provides a sequence number and duplicates packets.

However, as was discussed in the interview, the combination of Swenson and Sjblom does not describe or suggest providing, using the sending side apparatus, a first identifier corresponding to a first send/receive pair and a second identifier corresponding to a second send/receive pair, to a respective one of the packets in order to send the packets over two routers, in the sending side apparatus, which are different from each other, or identifying packets having the same information and the sequence based on the sequence number when the first and second identifiers are the same, selecting one of the packets of the same sequence so as to send the selected one of the packets downstream, and discarding the one of the packets which is not selected by the selecting, where when only one of the packets of the same sequence is received by the receiving, only the received one of the packets is sent downstream.

For instance, the outstanding Action cites col. 31, lines 2-41 of Swenson as disclosing the discarding step recited in Claim 1. However, Applicants note that nothing in this portion of Swenson makes any mention of discarding the one of the packets which is not selected by the selecting.

In addition, the outstanding Action cites paragraphs 0002, 0064, 0024 and Fig.5 of Sjblom as describing two copies of a packet and two receiving units. However, nothing in these portions or any other portion of Sjblom or Swenson describes or suggests providing a first identifier corresponding to a first send/receive pair and a second identifier corresponding to a second send/receive pair, to a respective one of the packets *in order to send the packets over two routers, in the sending side apparatus, which are different from each other.*

Thus, Applicants respectfully submit that Claim 1, and similarly Claims 2, 20 and 21, and claims depending respectfully therefrom, patentably distinguish over Swenson and Sjoblom considered individually or in combination.

Moreover, the further cited Ramakrishnan reference does not cure the above noted deficiencies of Swenson and Sjoblom.

Consequently, for the reasons discussed in detail above, no further issues are believed to be outstanding in the present application, and the present application is believed to be in condition for formal allowance. Therefore, a Notice of Allowance is earnestly solicited.

Should the Examiner deem that any further action is necessary to place this application in even better form for allowance, the Examiner is encouraged to contact the Applicants' representative at the below noted telephone number.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & KREUSTADT, L.L.P.

Customer Number

22850

Tel: (703) 413-3000
Fax: (703) 413 -2220
(OSMMN 0709)

